

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES E. WRIGHT, JR.	:	CIVIL ACTION
	:	
V.	:	
	:	
TARGET NATIONAL BANK;	:	11-CV-04241
JOHN DOES 1-10; AND X, Y, Z	:	
CORPORATIONS	:	

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S ANSWER TO DEFENDANT'S MOTION TO DISMISS**

Background

Plaintiff James E. Wright, Jr. has sued under 15 USC 1681 s-2, a provision of the Fair Credit Reporting Act (FCRA) which pertains to duties of furnishers of information. Plaintiff alleges that Defendant, Target National Bank (TNB) is a furnisher of information as defined by 15 USC 1681 s-2 (a)(1)(D)(2)(A). Plaintiff further alleges that Defendant has placed derogatory information on Plaintiff's credit report against which Plaintiff has raised certain disputes.

On multiple occasions, Plaintiff disputed the balance, interest, finance charges and fees in writing with the Defendant. Plaintiff did not dispute the existence of the account with Defendant. Nor did Plaintiff dispute that at one point Plaintiff owed some money to Defendant. Nor did Plaintiff dispute that the account in question belonged to Plaintiff. The basis of Plaintiff's dispute was the amount of the balance, interest, finance charges and the existence of a contract to support the balance, interest rate and finance charges. Plaintiff contended that the amount of the balance, interest and finance charges were incorrectly stated on his report.

Defendant received Plaintiff's written disputes. Nevertheless, Defendant chose to disregard Plaintiff's disputes, and allowed the information to remain substantially the same on Plaintiff's credit report. Defendant never responded to Plaintiff's requests for adequate documentation justifying the

alleged balance, interest or finance charges.

Because Plaintiff's attempts to resolve the dispute directly with Defendant were not successful, and because Defendant failed to respond to Plaintiff's requests for adequate documentation, Plaintiff then decided to dispute the information directly with the credit reporting agency(ies). The credit reporting agency(ies) then contacted Defendant about Plaintiff's disputes, and Defendant then verified the information to the credit reporting agency(ies). When Defendant verified the information to the credit reporting agency(ies), Defendant omitted that Plaintiff's account was in a disputed status. No where in Defendant's responses to the credit reporting agency(ies) did Defendant mention that the account was in a disputed status. See attached exhibits.

At the moment Defendant verified the information about the account to the credit reporting agency(ies), Defendant had a statutory duty to mark the account as disputed on Plaintiff's credit report. See 15 USC 1681 S-2 (a)(1)(D)(3). Defendant's failure to include such relevant information at the time of verification is a per se violation of FCRA. See Saunders v. Branch Banking & Trust Co. of Va., 526 F.3d 142 (4th Cir. 2008). Saunders has been followed by a Third Circuit Case, Smith v. HireRight Solutions, Inc., No. 09-6007, 2010 WL 2270541 (E.D. Pa.. June 7, 2010). Saunders can therefore be regarded as good law in this jurisdiction.

Defendant has filed a motion to dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendant contends that Plaintiff has failed to state a claim upon which relief may be granted. Defendant bases its argument for Dismissal on two non-3rd Circuit cases, the aforementioned Saunders, as well as Gorman v. Wolpoff & Abramson LLP, 584 F. 3d 1147 (9th Cir. 2009) which, taken together, are claimed by Defendant to stand for the proposition that any failure by a "furnisher" to report a claim as disputed is only actionable under 15 USC 1681-S2 if: 1) the failure was "misleading;" and 2) the dispute in question was not frivolous, which would lead to the conclusion of "misleading." Defendant contends that Plaintiff's dispute was frivolous, and that the derogatory information was not "misleading."

Under the standard established in the 9th Circuit by Gorman, a furnisher is excused from FCRA compliance if the consumer's dispute is illegitimate and/or frivolous, and any reporting by the furnisher of the status quo prior to the dispute is therefore not misleading. Nowhere in its Motion to Dismiss does the present Defendant ever indicate that an investigation was ever done, what were the results of that investigation, or whether there was a definite decision not to report Plaintiff's credit report dispute as "disputed". Defendant, in its memorandum, clearly tries to place the burden of a showing of "misleading" on the Plaintiff, without acknowledging that, under the case law it cites, a showing of legitimacy (of the original dispute) is likely enough to meet the "sufficiency" pleading standard. According to Defendant, a duty for FCRA compliance arises if and only if certain conditions are met; while the case law cited only excuses the duty arising under FCRA if and only if a consumer's dispute is facially without basis.

Defendant's argument that Plaintiff's disputes were frivolous couldn't be farther from the truth. Not only does Plaintiff's Complaint, aver the presence of a dispute, the reader is directed to the exhibits for Plaintiff's Complaint and this memorandum which clearly show that Plaintiff was legitimately questioning the balance, interest, finance charges and the existence of a contract. The basis of the dispute are outlined in the Complaint, and are both verified and reiterated throughout the exhibits therein. Plaintiff has a legitimate dispute with Defendant, therefore any attempt to assert otherwise, such as the filing of a 12(b)(6) motion is inherently unreasonable.

1. Defendant's argument that the disputed information on Plaintiff's credit report was not misleading is also inaccurate. Defendant's failure to report Plaintiff's dispute to the bureaus certainly misleading. The non-inclusion of such key information was misleading to any potential creditor or potential employer. Potential creditors or employers may well be curious as to why Plaintiff did not pay on the account. A potential creditor or employer may be influenced upon learning that the non-paid account was in dispute, thereby possibly warranting Plaintiff's non-payment of the account. Defendant(s) failure to notify the

relevant credit reporting agency(ies) of Plaintiff's disputes fosters a presumption of validity to potential creditors or employers. The inclusion of the fact that the account(s) had previously been disputed by Plaintiff would likely help to negate such a presumption.

Questions Presented

1. Did Plaintiff plead enough in his Complaint to indicate that Plaintiff's disputes concerning balance, interest and finance were bona fide legitimate disputes?
2. Did Plaintiff plead enough in his Complaint to indicate that Defendant's failure to report the account as disputed was in any way "misleading?"

Notice Pleading

Unlike some state jurisdictions which require a more thorough pleading of the facts behind a Complaint, Federal courts require "Notice Pleading", which is governed by Federal Rule of Civil Procedure 8, in relevant part:

(a) Claims for Relief.

A pleading that states a claim for relief must contain:

- (1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and
- (3) a demand for the relief sought, which may include relief in the alternative or different types of relief.

There is also a mandate for brevity and conciseness under FRCP 8(d)(1)

(d) Pleading to Be Concise and Direct; Alternative Statements;
Inconsistency.

(1) In General.

Each allegation must be simple, concise, and direct. No technical form is required.

Therefore, any Federal plaintiff, including this one, is caught between the requirement of brevity and the requirement of pleading enough to pass 12(b)(6) muster. The Complaint in this matter does just that.

Plaintiff's basis for a bona fide legitimate dispute are well enough plead to pass 12(b)(6) muster. Paragraph 10 of the Complaint states that "Plaintiff disputed the alleged account(s) in writing with Defendant(s). See attached exhibits to Plaintiff's Complaint and to this memorandum. The exhibits clearly show the material nature of the bona fide dispute that existed between Plaintiff and Defendant. The exhibits include but are not limited to letters from Plaintiff to Defendant doing the following: 1) disputing the extraneous fees on the account Plaintiff allegedly had with Defendant; 2) disputing whether Plaintiff ever signed a contract of any sort with Defendant; 3) requesting a copy of that alleged contract which supposedly justified the amount of the balance.

The court in Gorman dismissed the Complaint because the Plaintiff's dispute(s) with Defendant were at best cursory. In this case, however, Plaintiff's multiple disputes with Defendant were well articulated and attached as exhibits to Plaintiff's Complaint. Plaintiff's disputes, while certainly a matter for investigation, were facially legitimate. Further, while Plaintiff does not, either in paragraph 10 of the Complaint, or anywhere else therein, blatantly state the legitimacy of Plaintiff's credit report dispute, taken with the attached exhibits, legitimacy can easily be presumed.

Precedents

Neither Gorman nor Saunders is a 3rd Circuit case. However, a case from this circuit, Smith v. HireRight Solutions, Inc., No. 09-6007, 2010 WL 2270541 (E.D. Pa., June 7, 2010) follows Saunders closely, and is on point to the extent of dealing with a Defendant's 12(b)(6) motion, albeit regarding a different FCRA provision.

A close reading of Saunders indicates that the Courts do not agree with Defendant. There, the Court actually extended the right of the consumer, declaring that a "cursory" investigation by the furnisher of the dispute in question was not enough. So, as per Saunders, the statutory liability of the Defendant for failing to mark the account as disputed is obvious.

In Smith, Defendant was accused of providing false information regarding Plaintiff's alleged criminal history, which adversely affected Plaintiff's ability to find employment as a truck driver. Plaintiff sued under 15 USC 1681e(b) and 15 USC 1681k; Defendant responded with a 12(b)(6) motion. The court denied Defendant's motion to dismiss under 12(b)(6) and delineated the standard for such relevant motions in this Circuit:

“As a general rule, a plaintiff may present his case to the jury on the issue of reasonable procedures merely by showing an inaccuracy in the consumer report and nothing more. The reasonableness of procedures is treated as a factual question generally suited for a jury's resolution.”

Conclusion

The FCRA was enacted to ensure that “consumer reporting agencies adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance, and other information in a manner which is fair and equitable to the consumer, with regard to the confidentiality, accuracy, relevancy, and proper utilization of such information.

In this case, the Court is guided by the Rule **12(b)(6)** standard of review, meaning that Defendant bears the burden of proving, not simply that its interpretation was plausible, but that Plaintiff could not prevail under any reasonable alternative reading of the Complaint. See Korman v. Walking Co., 503 F. Supp. 2d 755, 761 (E.D. Pa. 2007). The Court's only role is to determine whether the *complaint* is sufficient."

Plaintiff sent a series of bona fide disputes to Defendant about the account. Plaintiff legitimately disputed the balance, interest and finance charges. Plaintiff's Complaint and the exhibits establish the bona fide nature of the legitimate dispute. Plaintiff is entitled by the statute to have his credit report reflect his legitimate disputes. Defendant therefore has no basis for its **12(b)(6)** Motion, which should be denied.

A reasonable view of the Complaint, with its attached exhibits, renders enough sufficiency to pass muster under Federal Rule of Civil Procedure **12(b)(6)**. Any reasonable interpretation of the Complaint should easily be enough to cross the preliminary (**12(b)(6)**) finish line in this matter. Whether Plaintiff's disputes were legitimate or frivolous is a question for the trier of fact, and not an issue to be determined in a 12(b)(6) motion.

In the alternative, if the Court finds that Plaintiff has not plead facts sufficient to pass 12 (b)(6) muster, Plaintiff requests that this case not be dismissed with prejudice. Plaintiff requests leave to amend the Complaint to plead fact with more specificity to pass 12(b)(6) muster. Plaintiff attaches a proposed Amended Complaint to this Motion.

Respectfully submitted,

/s/ Vicki Piontek

7-22-2011

Vicki Piontek, Esquire
Attorney for Plaintiff
951 Allentown Road
Lansdale, PA 19446
877-737-8617
Fax: 866-408-6735
palaw@justice.com

Date

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TARGET NATIONAL BANK;	:	11-CV-04241
JOHN DOES 1-10; AND X, Y, Z	:	
CORPORATIONS	:	

Certificate of Service

On the 22nd day of July, 2011, I sent a true and correct copy of the attached brief upon the following parties at the following addresses.

Daniel D. Krebbs, Esquire
1845 Walnut Street
Philadelphia, P A 19103

FAEGRE & BENSON LLP
Brian Melendez, Esquire
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402

/s/ Vicki Piontek 7-22-2011

Vicki Piontek, Esquire Attorney for Plaintiffs 951 Allentown Road Lansdale, PA 19446 877-737-8617 palaw@justice.com Fax: 866-408-6735	Date
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EXHIBITS

DEC-20-2010 08:40 PM JAMES.WRIGHT

215 538 6128

P.01

James E. Wright, Jr.
416 Tolickon Avenue
Quakertown, PA 18951
215-538-3676

TNB-Visa
P.O. Box 673
Minneapolis, MN 55440

By Certified U.S. Mail

Re: DISPUTE
James E. Wright, Jr. SSN: XXX-XX-XXXX
Account Number 4352371725228671
Alleged Balance \$4,556

To Whom it May Concern:

Your company has placed derogatory information on my credit report for the above referenced account.

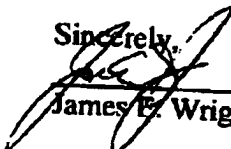
The balance that your company claims against me is comprised largely of interest, finance charges, penalties or other fees not justified by any existing contract.

The amount stated on my credit report is excessive and inflated. I request proof of the contract justifying such charges. I also would like proof of the balance and a breakdown of all charges.

I have never been provided a copy of the contract which proves the interest rate, finance charges, late fees and other penalties. I dispute such amounts and believe that the actual balance, if any, is much lower than the amount stated on my credit report.

THIS IS A DISPUTED ACCOUNT. YOU MUST MARK THIS ACCOUNT AS DISPUTED ON MY CREDIT REPORT.

Sincerely,


James E. Wright, Jr.

11-29-10
Date

EXHIBIT A-1

SENDER COMPLETE THIS SIDE

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
 ■ Print your name and address on the reverse so that we can return the card to you.
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TN B-Visa
 PO Box 673
 Minneapolis, MN
 55440

2. Article Number
 (Transfer from or) 7010 1060 0000 4058 3674

PS Form 3811, February 2004

THE UNITED STATES POSTAL SERVICE

A. Signature
 X *Wal*

B. Received by (Printed Name)

C. Date of Delivery
 DEC 06 2010

D. Is delivery address different from item 1? ☒ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

102003-02-16-1640

EXHIBIT A-2

P.01

215 538 6128

DEC-21-2010 07:05 AM JAMES.WRIGHT



10G0H

VGS-14-01-00001262

JAMES E WRIGHT
416 TOHICKON AVE
QUAKERTOWN PA 18951-1343

January 13, 2011

Target Visa Credit Card Account History

Dear James E Wright,

We reviewed our records for your Target Visa Credit Card and confirmed that the information we've sent the credit bureaus about your account is correct. If you disagree with this decision you can call us at (888) 755-5856. You can also get in touch with the bureaus directly for more information:

Trans Union Consumer Relations
2 Baldwin Place
P.O. Box 1000
Chester, PA 19022-1373
(800) 888-4213

Experian
701 Experian Parkway
P.O. Box 2002
Allen, TX 75013-0036
(888) 397-3742

Equifax Information Services
P.O. Box 740241
Atlanta, GA 30374-0241
(800) 685-1111

Innovis
Attn: Consumer Assistance
P.O. Box 1689
Pittsburgh, PA 15230-1689
(800) 540-2505

Thanks for getting in touch with us about the account. We hope you'll visit Target® soon.

Sincerely,
Target Financial Services

Target and Target Credit Card are registered trademarks of Target Brands, Inc., and Visa is a registered trademark of Visa. All rights reserved. Target Visa Credit Card is issued by Target National Bank pursuant to a license from Visa U.S.A. Inc. REDcard®: Target Credit Card and Target Visa Credit Card.

NOTICE

The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided that the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is the Office of the Comptroller of the Currency, Customer Assistance Group, 1301 McKinney Street, Suite 3450, Houston, TX 77010-9050. The Ohio laws against discrimination require that all creditors make credit equally available to all creditworthy customers, and that credit reporting agencies maintain separate credit histories on each individual upon request. The Ohio Civil Rights Commission administers compliance with this law. Washington state law against discrimination prohibits discrimination in credit transactions because of race, creed, color, national origin, sex or marital status. The Washington State Human Rights Commission administers compliance with this law.

Target National Bank

3901 West 53rd Street, Sioux Falls, SD 57106-4216

RTNG02

Acct ID: 00030778671

EXHIBIT B

James E. Wright, Jr.
416 Tolickon Avenue
Quakertown, PA 18951
215-538-3676

Target National Bank
P.O. Box 673
Minneapolis, MN 55440

By Certified U.S. Mail

Re: DISPUTE AND REQUEST FOR INVESTIGATION
James E. Wright, Jr. SSN: [REDACTED]
Account Number 435237172522
Alleged Balance \$4,556

To Whom it May Concern:

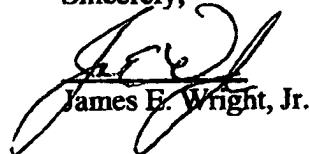
Your company has placed derogatory information on my credit report for the above referenced account. The balance that your company claims against me is comprised largely of interest, finance charges, penalties or other fees not justified by any existing contract.

The amount stated on my credit report is excessive and inflated. I request proof of the contract justifying such charges. I also would like proof of the balance and a breakdown of all charges.

I have never been provided a copy of the contract which proves the interest rate, finance charges, late fees and other penalties. I dispute such amounts and believe that the actual balance, if any, is much lower than the amount stated on my credit report.

THIS IS A DISPUTED ACCOUNT. YOU MUST MARK THIS ACCOUNT AS DISPUTED ON MY CREDIT REPORT.

Sincerely,


 James E. Wright, Jr.

1-25-11
 Date

7010 0290 0002 2743 5576

U.S. Postal Service	
CERTIFIED	EC
(Domestic Mail Only, First-Class Mail Only)	
For delivery information visit our website at usps.com	
Postage	\$
Certified Fee	\$
Return Receipt Fee (Endorsement Required)	\$
Restricted Delivery Fee (Endorsement Required)	\$
Total Postage & Fees	\$
Sent To	
Street, Apt. No., or PO Box No. <u>Target National Bank</u>	
City, State, ZIP+4 <u>Box Box 673</u>	
<u>Minneapolis</u>	
PS Form 3800, August 2005	

EXHIBIT C-1

USPS - Track & Confirm

Page 1 of 1



[Home](#) | [Help](#) | [Sign In](#)

[Track & Confirm](#)

[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7010 0290 0002 2743 5576
Status: **Delivered**

Your item was delivered at 6:05 am on February 10, 2011 in MINNEAPOLIS, MN 55440. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

[\(Restore Offline Details >\)](#) [\(?\)](#) [\(Return to USPS.com Home >\)](#)

[Site Map](#)

[Customer Service](#)

[Forms](#)

[Gov't Services](#)

[Careers](#)

[Privacy Policy](#)


[Terms of Use](#)

[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

 [United States Postal Service](#)


 [United States Postal Service](#)

EXHIBIT C-2

<http://trkcnfrm1.smi.usps.com/PTSIInternetWeb/InterLabelInquiry.do?origTrackNum=701...> 5/20/2011

1103047850APP-000863955-1276-6540-AS

*** 236408935-005 ***

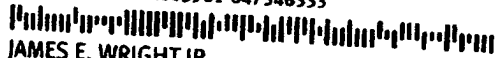
PO Box 2000

Chester, PA 19022



05/06/2011 TransUnion.

P1ICNH00200976-1003901-047546333



JAMES E. WRIGHT JR.

416 TOHICKON AV

QUAKERTOWN, PA 18951

Our investigation of the dispute you recently submitted is now complete. The results are listed below. If an item you disputed is not in the list of results below, it was either not appearing in your credit file or it already reflected the corrected status at the time of investigation.

If our investigation has not resolved your dispute, you may add a 100-word statement to your report. If you provide a consumer statement that contains medical information related to service providers or medical procedures, then you expressly consent to TransUnion including this information in every credit report we issue about you. If you wish to obtain documentation or written verification concerning your accounts, please contact your creditors directly.

If there has been a change to your credit history resulting from our investigation, or if you add a consumer statement, you may request that TransUnion send an updated report to those who received your report within the last two years for employment purposes, or within the last one year for any other purpose.

If interested, you may also request a description of how the investigation was conducted along with the business name, address and telephone number of any company we may have contacted for information.

Thank you for helping ensure the accuracy of your credit information.

For frequently asked questions about your credit report, please visit <http://transunion.com/consumerfaq>.

Investigation Results

ITEM	DESCRIPTION	RESULTS
PERSONAL INFORMATION		
TNB-VISA	# 435237172522****	NEW INFORMATION BELOW DELETED
		NEW INFORMATION BELOW
		NEW INFORMATION BELOW
		NEW INFORMATION BELOW
		NEW INFORMATION BELOW
		NEW INFORMATION BELOW

EXHIBIT E-1

P 1ICNH-002 00976-1003901 01/04

File Number: 236408935
 Page: 1 of 2
 Date Issued: 05/06/2011

TransUnion.

Personal Information

Name: JAMES E. WRIGHT JR.

You have been on our files since 10/1986

SSN: XXX-XX-4036
 Date of Birth: 09/1963
 Your SSN is partially abbreviated for your protection.

CURRENT ADDRESS

Address: 416 TONICKON AV
 QUAKERTOWN, PA 18951
 Date Reported: 02/1999

PREVIOUS ADDRESS

Address: 14 WILLIAM RD B
 KINTNERSVILLE, PA 18930
 Date Reported: 01/1999

EMPLOYMENT DATA REPORTED

Employer Name: SELF EMPLOYED
 Date Verified: 12/2008

Position: OWNER
 Hired:

Employer Name: CONTRACTOR
 Date Verified: 05/2008

Position: INDEPENDANT HOME
 Hired: 05/2006

Employer Name: CORRUGATED PAPER GRO
 Date Reported: 11/2005

Position:
 Hired:

Employer Name: GEORGIA PACIFIC
 Date Reported: 05/2005

Position:
 Hired:

Special Notes: If any item on your credit report begins with 'MED1', it includes medical information and the data following 'MED1' is not displayed to anyone but you except where permitted by law.

Account Information

The key to the right helps explain the payment history information contained in some of the accounts below. Not all accounts will contain payment history information, but some creditors report how you make payments each month in relation to your agreement with them.

N/A ☒ ☐ ☐ ☐ ☐ ☐
 Not Applicable Unknown Current 30 days late 60 days late 90 days late 120 days late

Adverse Accounts

The following accounts contain information which some creditors may consider to be adverse. Adverse account information may generally be reported for 7 years from the date of the first delinquency, depending on your state of residence. The adverse information in these accounts has been printed in brackets or is shaded for your convenience, to help you understand your report. They are not bracketed or shaded this way for creditors.

Loan Type: CHARGE ACCOUNT

Remarks: ACCT CLOSED BY CREDIT GRANTOR

Estimated date that this item will be removed: 08/2016

Balance:
 Date Verified:
 High Balance:
 Credit Limit:
 Past Due:

Pay Status:
 Account Type:
 Responsibility:
 Date Open:
 Date Closed:

Consumer Credit Report for JAMES E. WRIGHT JR.

File Number: 236408935
Page: 2 of 2
Date Issued: 05/06/2011

[REDACTED]

Balance: [REDACTED]
Date Verified: [REDACTED]
High Balance: [REDACTED]
Collateral: [REDACTED]
Credit Limit: [REDACTED]

Pay Status: [REDACTED]
Account Type: [REDACTED]
Responsibility: [REDACTED]
Date Open: [REDACTED]
Date Closed: [REDACTED]
Date Paid: [REDACTED]

Loan Type: CREDIT CARD
Remarks: DISPUTE RESLVD-CUST DISAGREES
Estimated date that this item will be removed: 09/2016

[REDACTED]

Balance: [REDACTED]
Date Verified: [REDACTED]
High Balance: [REDACTED]
Collateral: [REDACTED]
Credit Limit: [REDACTED]

Pay Status: [REDACTED]
Account Type: [REDACTED]
Responsibility: [REDACTED]
Date Open: [REDACTED]
Date Closed: [REDACTED]
Date Paid: [REDACTED]

Loan Type: [REDACTED]
Remark: [REDACTED]
Estimated date that this item will be removed: [REDACTED]

[REDACTED]

Balance: [REDACTED]
Date Verified: [REDACTED]
Original Amount: [REDACTED]
Original Creditor: [REDACTED] NEVADA N A
Past Due: [REDACTED]

Pay Status: [REDACTED]
Account Type: [REDACTED]
Responsibility: [REDACTED]

TNB-VISA #435237172522****

POB 673
MINNEAPOLIS, MN 55440-0673
(888) 755-5856

Balance: \$4,557
Date Verified: 04/2011
High Balance: \$4,557
Credit Limit: \$3,800
Past Due: \$4,557

Pay Status: XCHARGED OFF AS BAD DEBT
Account Type: REVOLVING ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Open: 02/2007
Date Closed: 03/2010

Loan Type: CREDIT CARD
Remarks: ACCT CLOSED BY CREDIT GRANTOR
Estimated date that this item will be removed: 08/2016

- End of Investigation results -

To view a free copy of your full, updated credit file, go to our website <http://disclosure.transunion.com>

000100

EXHIBIT E-3

P 11CNH-002 00976-1003904 04/04

James Wright
416 Tohickon Avenue- Quakertown, PA 18951
267-373-9736

Equifax Information Services
P.O. Box 740241
Atlanta, GA 30374

Re: DISPUTE AND REQUEST FOR INVESTIGATION
James Wright [REDACTED]
Target National Bank
Account Number 435237172522
Alleged High Balance \$4,556

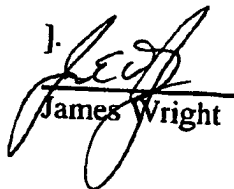
To Whom it May Concern:

I wish to dispute the above referenced account. The balance is excessive and inflated and not warranted by any existing contract.

I request proof of the alleged debt, and a contract which proves the balance, fees, interest, etc.

Furthermore, I never signed a contract for this account. This account is not my account. I was listed as an authorized user on my wife's account. It is not mine. I never signed or agreed to anything.

Sincerely,

1. 
James Wright

5-5-11
Date

EXHIBIT F

James Wright
416 Tolickon Avenue- Quakertown, PA 18951
267-373-9736

Experian Information Services
P.O. Box 2002
Allen, TX 75013

Re: DISPUTE AND REQUEST FOR INVESTIGATION
James Wright [REDACTED]
Target National Bank
Account Number 435237172522
Alleged High Balance \$4,556

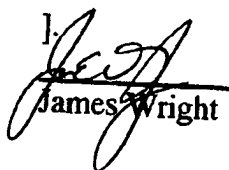
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Sincerely,


James Wright

5-5-11
Date

EXHIBIT G

James Wright
416 Tolickon Avenue- Quakertown, PA 18951
267-373-9736

Trans Union Corporation
P.O. Box 1000
Chester, PA 19022

Re: DISPUTE AND REQUEST FOR INVESTIGATION
James Wright [REDACTED]
Target National Bank
Account Number 435237172522
Alleged High Balance \$4,556

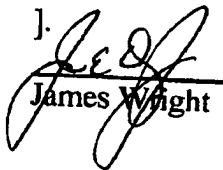
To Whom it May Concern:

I wish to dispute the above referenced account. The balance is excessive and inflated and not warranted by any existing contract.

I request proof of the alleged debt, and a contract which proves the balance, fees, interest, etc.

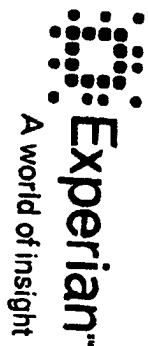
Furthermore, I never signed a contract for this account. This account is not my account. I was listed as an authorized user on my wife's account. It is not mine. I never signed or agreed to anything.

Sincerely,

J. 
James Wright

5-5-11
Date

EXHIBIT H



Prepared for: JAMES E WRIGHT JR
Date: May 10, 2011
Report number: 1502-8933-04

Page 1 of 4

Dear JAMES E WRIGHT Jr,

To assist you in understanding your correction summary, we have provided additional information that relates directly to items on your personal credit report.

TARGET NATIONAL BANK
435237172522.....
PLEASE CONTACT CREDIT GRANTOR AT -8887555856-

According to the Fair Credit Reporting Act (FCRA), a national consumer credit reporting company's role in the dispute process is to investigate information to determine the accuracy and completeness of any disputed item by contacting the source of the disputed information and informing them of all relevant information regarding the consumer's dispute. If the issue is not resolved, then the consumer credit reporting company must offer to include a consumer statement on the personal credit report. The Federal Trade Commission (the government agency charged with enforcement of the FCRA) does not require that the consumer credit reporting company obtain documentation such as the actual signed sales slips, signature cards, contracts, etc.; nor does it require that consumer credit reporting companies act as mediators or negotiators in account disputes.

Sincerely,

Experian
NCAC
P.O. Box 2002
Allen TX 75013

PO Box 9701
Allen, TX 75013



0002711 01 MB 0387 "AUTO 1 0 7167 18951-134316 -C01-P02713-1
JAMES E WRIGHT Jr
416 TOHICKON AVE
QUAKERTOWN PA 18951-1343



0158888971

EXHIBIT

I-1



Prepared for: JAMES E WRIGHT Jr
Date: May 10, 2011
Report number: 1502-8933-04

Page 2 of 4

Dispute results

About our dispute process

This summary shows the revision(s) made to your credit file as a result of our processing of your dispute. If you still question an item, then you may want to contact the furnisher of the information directly or review the original information in the public record.

- The federal Fair Credit Reporting Act provides that you may:
- request a description of how we processed your dispute, including the business name and address of any furnisher of information contacted in connection with such information and the telephone number if reasonably available;
- add a statement disputing the accuracy or completeness of the information; and
- request that we send these results to organizations who have requested your credit report in the past two years for employment purposes or six months for any other purpose.

If no information follows, our response appeared on the previous page.

How to read your results

Deleted - This item was removed from your credit report

Remains - This item was not changed as a result of our processing of your dispute

Updated - A change was made to this item; review this report to view the change. If

ownership of the item was disputed, then it was verified as belonging to you

Investigated - This item was either updated or deleted; review this report to learn its outcome

Results

We completed investigating any items you disputed with the sources of the information and processed any other requests you made. Here are the results:

Credit items	Outcome
TARGET NB 435237172522....	Updated

Still pending	Projected completion date
[REDACTED]	[REDACTED]

Visit experian.com/status to check the status of your pending disputes at any time

Additional information

To view a full copy of your corrected credit report, visit experian.com/viewreport

☐ To receive a copy by mail, check this box and within 30 days return this original page to P.O. Box 9701, Allen, TX 75013. Copies will not be accepted.

What's your credit score?

Find out by ordering your VantageScore® from Experian for only \$7.95. To order, call 1 888 322 5583.

By law, we cannot disclose certain medical information (relating to physical, mental, or behavioral health or condition). Although we do not generally collect such information, it could appear in the name of a data furnisher (i.e. "Cancer Center") that reports your payment history to us. If so, those names display on your report, but on reports to others, they display only as MEDICAL PAYMENT DATA. Consumer statements included on your report at your request that contain medical information are disclosed to others.

0156888971



7187-01-00-0002711-0001-0004292

EXHIBIT

I-2

Page 3 of 4

The most common items in this section are late payments, accounts that have been charged off or sent to collection, bankruptcies, liens, and judgments. It also may contain items that are not necessarily negative, but that a potential creditor might want to review more closely, removed seven years from the initial missed payment that led to the delinquency. This information is generally payments and most public record items may remain on the credit report for up to seven years, except Chapters 7, 11 and 12 bankruptcies and unpaid tax liens, which may remain for up to 10 years. A paid tax lien may remain for up to seven years. Transferred accounts that have not been paid due remain up to 10 years after the date the account was transferred.

TARGET NATIONAL BANK
PO BOX 673
MINNEAPOLIS MN 55440
Phone number
(888) 755-5856
Partial account number
43523717252....
Address identification numm
0039164528

Responsibility
Individual
Status
Account charged off. \$4,557 written off. \$4,557 past due as of May 2011

2016. This item was verified and updated on May 2011.

... was verified and updated on May 2011.

Account history - If your creditor reported your account balances to us, we track the original loan amount for an installment loan. This card shows the original amount.

AG = Account balance (\$) **DRP** = Date payment received

SPA = Scheduled payment amount and the dates those payments were made. **ND** = No Data.

These figures are not audited. Your balance history may also include your credit limit and high balance or delinquent status. This statement also includes the scheduled payment amounts, amounts actually paid, and the dates those payments were made.

	AB = Account balance (\$)												DPR = Date payment received												SPA = Scheduled payment amount (\$)												AAP = Actual amount paid (\$)											
AB																																																
DPR																																																
SPA																																																
AAP																																																
Mart'11	Feb'11	Jan'11	Dec'10	Nov'10	Oct'10	Sep'10	Aug'10	Jul'10	Jun'10	May'10	Apr'10	Mar'10	Feb'10	Jan'10	Dec'09	Nov'09	Oct'09	Sep'09	Aug'09	Jul'09	Jun'09	May'09																										
4,556	4,556	4,556	4,556	4,556	4,556	4,556	4,556	4,556	4,556	4,556	4,556	4,556	4,517	4,365	4,217	4,110	4,003	3,899	3,764	3,721	3,760	3,773																										
Aug'09	Aug'08	Aug'08	Aug'09	Aug'09	Aug'09	Aug'09	Aug'09	Aug'09	Aug'09	Aug'09	Aug'09	Aug'09	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND																										
ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND																										
ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND																										

Between May 2009 and Mar 2011, your credit limit/high balance was \$3,800.

UK	Current/Terms of agreement met	VS	Voluntarily surrendered
30	Account 30 days past due	R	Repossession
60	Account 60 days past due	PBC	Paid by creditor
90	Account 90 days past due	IC	Insurance claim
120	Account 120 days past due	G	Claim filed with government
150	Account 150 days past due	D	Defaulted on contract
180	Account 180 days past due	C	Collection
CRD	Creditor received deed	CO	Charge off
F S	Foreclosure proceedings started	CIS	Closed
F	Foreclosed	ND	No data for this time period

EXHIBIT

I 3

MAY-24-2011 02:36 PM JAMES.WRIGHT

215 538 6128

P.01

File Number: 237722490
 Page: 1 of 1
 Date Issued: 05/19/2011

TransUnion.



Special Notes: If any item on your credit report begins with 'MED1', it includes medical information and the data following 'MED1' is not displayed to anyone but you except where permitted by law.

Account Information

The key to the right helps explain the payment history information contained in some of the accounts below. Not all accounts will contain payment history information, but some creditors report how you make payments each month in relation to your agreement with them.

N/A	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Not Applicable	Unknown	Current	30 days late	60 days late	90 days late	120 days late

Adverse Accounts

The following accounts contain information which some creditors may consider to be adverse. Adverse account information may generally be reported for 7 years from the date of the first delinquency, depending on your state of residence. The adverse information in these accounts has been printed in brackets or is shaded for your convenience, to help you understand your reports. They are not bracketed or shaded this way for creditors.

TNB-VISA #435237171262****

POB 673
 MINNEAPOLIS, MN 55440-0673
 (888) 755-5856

Balance: \$2,852
 Date Verified: 05/2011
 High Balance: \$2,852
 Credit Limit: \$2,500
 Past Due: \$2,852

Pay Status: CHARGED OFF AS BAD DEBT
 Account Type: REVOLVING ACCOUNT
 Responsibility: INDIVIDUAL ACCOUNT
 Date Open: 10/2005
 Date Closed: 03/2010

Loan Type: CREDIT CARD

Remarks: ACCT CLOSED BY CREDIT GRANTOR

Estimated date that this item will be removed: 08/2016

- End of Investigation results -

To view a free copy of your full, updated credit file, go to our website <http://disclosure.transunion.com>

EXHIBIT J

JUN-14-2011 05:58 PM JAMES.WRIGHT

215 538 6128

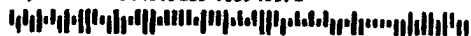
P.01

*** 236408935-014 ***

PO Box 2000
Chester, PA 19022

06/09/2011 TransUnion.

P1JVFT00200814-1003253-053943372

JAMES E. WRIGHT JR.
416 TOHICKON AV
QUAKERTOWN, PA 18951

Our investigation of the dispute you recently submitted is now complete. The results are listed below. If an item you disputed is not in the list of results below, it was either not appearing in your credit file or it already reflected the corrected status at the time of investigation.

If our investigation has not resolved your dispute, you may add a 100-word statement to your report. If you provide a consumer statement that contains medical information related to service providers or medical procedures, then you expressly consent to TransUnion including this information in every credit report we issue about you. If you wish to obtain documentation or written verification concerning your accounts, please contact your creditors directly.

If there has been a change to your credit history resulting from our investigation, or if you add a consumer statement, you may request that TransUnion send an updated report to those who received your report within the last two years for employment purposes, or within the last one year for any other purpose.

If interested, you may also request a description of how the investigation was conducted along with the business name, address and telephone number of any company we may have contacted for information.

Thank you for helping ensure the accuracy of your credit information.

For frequently asked questions about your credit report, please visit
<http://transunion.com/consumerfaq.s>.

Investigation Results

ITEM	DESCRIPTION	RESULTS
PERSONAL INFORMATION		NEW INFORMATION BELOW
TNB-VISA	# 435237172522****	VERIFIED, NO CHANGE

EXHIBIT K-1

P 1JVFT-002 00814-1003253 01/04

JUN-14-2011 06:00 PM JAMES.WRIGHT

215 538 6128

P. 01

File Number: 236408935
 Page: 1 of 2
 Date Issued: 06/09/2011

TransUnion.

Personal Information

Name: JAMES E. WRIGHT JR.

SSN: XXX-XX-4036
 Date of Birth: 09/1963
 Your SSN is partially abbreviated for your protection.

You have been on our files since 10/1986

CURRENT ADDRESS

Address: 416 TOHICKON AV
 QUAKERTOWN, PA 18951
 Date Reported: 02/1999

PREVIOUS ADDRESS

Address: 14 WILLIAM RD B
 KINTNERSVILLE, PA 18930
 Date Reported: 01/1999

EMPLOYMENT DATA REPORTED

Employer Name: SELF EMPLOYED
 Date Verified: 12/2008

Position: OWNER
 Hired:

Employer Name: CONTRACTOR
 Date Verified: 05/2008

Position: INDEPENTANT HOME
 Hired: 05/2006

Employer Name: CORRUGATED PAPER GRO
 Date Reported: 11/2005

Position:
 Hired:

Employer Name: GEORGIA PACIFIC
 Date Reported: 05/2005

Position:
 Hired:

Special Notes: If any item on your credit report begins with 'MED1', it includes medical information and the data following 'MED1' is not displayed to anyone but you except where permitted by law.

Account Information

The key to the data helps explain the payment history information contained in some of the accounts below. Not all accounts will contain payment history information, but some creditors report how you make payments each month in relation to your agreement with them.

W/A ☒ X ☐ OK ☐ ☐ ☐ ☐
 Not Applicable Unknown Current 30 days late 60 days late 90 days late 120 days late

Adverse Accounts

The following accounts contain information which some creditors may consider to be adverse. Adverse account information may generally be reported for 7 years from the date of the first delinquency, depending on your state of residence. The adverse information in these accounts has been printed in brackets or is shaded for your convenience, to help you understand your report. They are not bracketed or shaded this way for creditors.

CAPITAL ONE BANK USA NA #517805262427****

PO BOX 30281
 SALT LAKE CITY, UT 84130
 (800) 955-7070

Balance: \$0
 Date Verified: 04/2010
 High Balance: \$6,062
 Collateral: SLDT PORTFOLIO RECOVERIES ASSOCIATE
 Credit Limit: \$5,000

Pay Status: >PAYMENT AFTER CHARGE
 OFF/COLLECTION
 Account Type: REVOLVING ACCOUNT
 Responsibility: INDIVIDUAL ACCOUNT
 Date Open: 01/2006
 Date Closed: 11/2009

Loan Type: CREDIT CARD

Estimated date that this item will be removed: 09/2016

EXHIBIT K-2

JUN-14-2011 06:02 PM JAMES.WRIGHT

215 538 6128

P.01

Consumer Credit Report for JAMES E. WRIGHT JR.

File Number: 236408935
Page: 2 of 2
Date Issued: 06/09/2011

TNB-VISA #435237172522****

POB 673
MINNEAPOLIS, MN 55440-0673
(888) 755-5856

Balance: \$4,557
Date Verified: 06/2011
High Balance: \$4,556
Credit Limit: \$3,800
Past Due: \$4,557

Pay Status: CHARGED OFF AS BAD DEBT
Account Type: REVOLVING ACCOUNT
Responsibility: INDIVIDUAL ACCOUNT
Date Open: 02/2007
Date Closed: 03/2010

Loan Type: CREDIT CARD

Remarks: ACCT CLOSED BY CREDIT GRANTOR

Estimated date that this item will be removed: 08/2016

- End of Investigation results -

To view a free copy of your full, updated credit file, go to our website <http://disclosure.transunion.com>

000008-



EXHIBIT K-3

JUN-18-2011 04:15 PM JAMES. WRIGHT

215 538 6128

P. 01

EQUIFAX**CREDIT FILE: June 13, 2011**
Confirmation # 1151004417

Dear James E Wright:

Your request for Equifax to reinvestigate certain items of your credit file is now complete.

Below are your results and a report of your credit file revised, as applicable, as a result of the reinvestigation. If you have additional questions regarding the reinvestigated items, please contact the source of that information directly. You may also contact Equifax regarding the specific information contained within this letter or report within the next 60 days by visiting us at www.investigate.equifax.com.

Thank you for giving Equifax the opportunity to serve you.

The Results Of Our Reinvestigation**Credit Account Information**

(For your security, the last 4 digits of account number(s) have been replaced by X. This section includes open and closed accounts reported by credit grantors.)

Account History	Status Code	Descriptions	1 : 30-59 Days Past Due	2 : 60-89 Days Past Due	3 : 90-119 Days Past Due	4 : 120-149 Days Past Due	5 : 150-179 Days Past Due	6 : 180 or More Days Past Due	G : Collection Account	H : Foreclosure	J : Voluntary Surrender	K : Repossession	L : Charge Off

>>> We have researched the credit account. Account # - 435237172522* The results are: Equifax verified that this item belongs to you. Additional information has been provided from the original source regarding this item. If you have additional questions about this item please contact: Target National Bank, C/O Target Credit Services, Minneapolis MN 55440-9475

Target National Bank C/O Target Credit Services Minneapolis MN 55440-9475

Account Number	Items As of	Balance	Date Reported	Amount	Past Due	Last Payment	Date of	Actual	Payment	Amount	Scheduled	Payment	Amount	Terms	Duration	Terms	Frequency	Monthly	Fixed	Amount	Activity	Description	Creditor	Classification
435237172522*			02/2007	\$4,556																				
	06/2011	\$4,556		\$4,556		08/2009	\$0																	

Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Charged Off Account; Account Closed By Credit Grantor; Credit Card;

Account History 03/2010
with Status Codes L

(Continued On Next Page)



000706

 000988181-706
 James E Wright
 416 Tohickon Ave
 Quakertown, PA 18951-1343

 P.O. Box 105518
 Atlanta, GA 30348

EXHIBIT L-1

Notice to Consumers

You may request a description of the procedure used to determine the accuracy and completeness of the information, including the business name and address of the furnisher of information contacted, and if reasonably available the telephone number.

If the reinvestigation does not resolve your dispute, you have the right to add a statement to your credit file disputing the accuracy or completeness of the information; the statement should be brief and may be limited to not more than one hundred words (two hundred words for Maine residents) explaining the nature of your dispute.

If the reinvestigation results in the deletion of disputed information, or you submit a statement in accordance with the preceding paragraph, you have the right to request that we send your revised credit file to any company specifically designated by you that received your credit report in the past six months (twelve months for California, Colorado, Maryland, New Jersey and New York residents) for any purpose or in the past two years for employment purposes.

JUN-18-2011 04:17 PM JAMES.WRIGHT

EXHIBIT L-2

215 538 6128

P.01

(End Of Report)



Prepared for: JAMES E WRIGHT JR
Date: June 13, 2011
Report number: 1908-6342-84

Page 1 of 6

Dear JAMES E WRIGHT JR,

To assist you in understanding your correction summary, we have provided additional information that relates directly to items on your personal credit report.

TARGET NATIONAL BANK
43523717252....
PLEASE CONTACT CREDIT GRANTOR AT -8887555856-

According to the Fair Credit Reporting Act (FCRA), a national consumer credit reporting company's role in the dispute process is to investigate information to determine the accuracy and completeness of any disputed item by contacting the source of the disputed information and informing them of all relevant information regarding the consumer's dispute. If the issue is not resolved, then the consumer credit reporting company must offer to include a consumer statement on the personal credit report. The Federal Trade Commission (the government agency charged with enforcement of the FCRA) does not require that the consumer credit reporting company obtain documentation such as the actual signed sales slips, signature cards, contracts, etc.; nor does it require that consumer credit reporting companies act as mediators or negotiators in account disputes.

Sincerely,

Experian
NCAC
P.O. Box 2002
Allen TX 75013

PO Box 9701
Allen, TX 75013



0008156 01 MB 0387 **AUTO 507198 18951-134316 -C01-P08164-1
JAMES E WRIGHT JR
416 TOHICKON AVE
QUAKERTOWN PA 18951-1343



0158888971

JUN-18-2011 04:19 PM JAMES.WRIGHT

EXHIBIT M-1

215 538 6128 P.01
7196-01-00-0008156-0001-0012122

